

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE	:	CHAPTER 13
	:	
ANDOIN RODQUEZS ROUSE,	:	CASE NO. 16-56653-MGD
	:	
Debtor.	:	
	:	
	:	
<hr/> EXETER FINANCE CORP.,	:	
	:	
Movant,	:	
	:	
v.	:	CONTESTED MATTER
	:	
ANDOIN RODQUEZS ROUSE,	:	
Debtor;	:	
and MARY IDA TOWNSON, Trustee,	:	
	:	
Respondents.	:	

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

COMES NOW Exeter Finance Corp. (the "Movant"), a creditor of the referenced Debtor, and hereby moves this Court to deny confirmation of Debtor's Chapter 13 Plan. In support of its objection, the Movant shows the Court as follows:

1.

On April 15, 2016, Andoin Rodquezs Rouse ("Debtor") filed a *second* Voluntary Petition pursuant to 11 U.S.C. Section 1301 et seq., and said case is presently pending before this Court. Debtor filed a prior Chapter 13 case, Case 11-79736-CRM, filed October 13, 2011 and dismissed January 12, 2012 for failure to make plan payments.

2.

Movant has a net claim in this case in the approximate amount of \$32,972.93 secured by a 2015 Dodge Charger (the "Collateral").

3.

Debtor's Chapter 13 Plan proposes to pay Movant's secured claim of \$32,972.93 at

\$29,596.00 at 4.25% interest, with \$250.00 monthly pre-confirmation adequate protection payments and \$200.00 monthly post-confirmation payments until July 2017, when payments will increase to \$664.00.

4.

Movant objects to the treatment of its claim in the proposed plan. Movant's claim amount of \$36,278.06 should be paid in full, as the Collateral was purchased on July 16, 2015, which is within 910 days of filing.

5.

Debtor is not providing Movant with an adequate enough risk factor. The prime rate of interest was 3.50% the month this case was filed. Debtor's prior Chapter 13 case was dismissed after less than three (3) months for nonpayment, Debtor having failed to make a single payment to the Trustee. Given Debtor's history of nonpayment in a prior bankruptcy case, *Till* suggests the appropriate risk factor in this case to be prime + 3%, plus an additional point for the additional risk stemming from this history, or 7.50%.

6.

The Collateral is depreciating through use and over time, and the Debtor is not adequately protecting Movant's interest in the Collateral. Debtor is not proposing an appropriate amount in pre-confirmation adequate protection payments in violation of 11 U.S.C. Section 1326(a)(1)(C).

The NADA value of the Collateral depreciated at an average rate of \$679.17 per month in the six (6) months prior to the filing date based upon a drop in value between the October 2015 base NADA value of \$26,150.00 (the first available NADA value) and the April 2016 base NADA value of \$22,075.00. Debtor must protect Movant's interest in the Collateral by increasing monthly payments to \$679.17 to match the high depreciation.

Any increase in pre-confirmation adequate protection payments prior to Confirmation needs to be made to have the effect of being retroactive to the filing date to pay Movant the correct amount of adequate protection (i.e. a lump sum amount that will be enough to make up for the difference in adequate protection previously disbursed by the Trustee and what Movant is entitled to).

7.

The specific terms of the proposed plan itself are not proposed in good faith in violation

of 11 U.S.C. §1325(a)(3).

8.

Movant has no proof of full coverage insurance on the Collateral and is therefore not adequately protected.

WHEREFORE, the Movant prays that its Objection to Confirmation of Chapter 13 Plan be inquired into and sustained and that it has such other and further relief as this Court deems just and proper.

This May 10, 2016.

The Law Office of  
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.  
Attorneys for Movant

By: /s/Philip L. Rubin  
Philip L. Rubin  
Georgia State Bar No. 618525

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64	Rough Trade-in	Average Trade-in	Clean Trade-in	Body Type	Model Number	MSRP	Weight	Clean Loan	Clean Retail
	Ded W/out Automatic Trans.			500 500					

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**2016 DART-4 Cyl.**

Sedan 4D SE	DFA	16695	3122	Mileage Class: I					
Sedan 4D Aero	DFD	20495	3081						
Sedan 4D SXT	DFB	19000	3165						
Sedan 4D Rallye	DFB	19595	3165						
Sedan 4D Limited	DFC	23795	3215						
Sedan 4D GT	DFE	21995	3165						

- Add Alpine Stereo System
- Add Aluminum/Alloy Wheels (SE)
- Add Certified Pre-Owned
- Add Navigation System (Std.Ltd)
- Add Power Seat (Std.Limited,GT)
- Add Power Sunroof (Std.Limited)

Trade-in/Loan Retail

- Ded 2.0L Engine (Ex. SE)
- Ded W/out Air Conditioning
- Ded W/out Automatic Trans.
- Ded W/out Cruise Control
- Ded W/out Power Door Locks

Trade-in/Loan Retail

**2015 DART-4 Cyl.**

9725 10825 11700	Sedan 4D SE	DFA	16495	3186	10550	14175	Mileage Class: I		
10950 12075 12975	Sedan 4D Aero	DFD	19995	3186	11700	15500			
11500 12625 13525	Sedan 4D SXT	DFB	18595	3186	12175	16100			
12075 13225 14150	Sedan 4D Rallye	DFB	18990	3186	12750	16750			
13625 14800 15750	Sedan 4D Limited	DFC	22995	3242	14175	18400			
13400 14575 15525	Sedan 4D GT	DFE	20995	3186	13975	18175			

- Add Alpine Stereo System
- Add Aluminum/Alloy Wheels (Std.SXT, Rallye, Limited, GT)
- Add Certified Pre-Owned
- Add Navigation System (Std.Ltd)
- Add Power Seat (Std.Limited,GT)

Trade-in/Loan Retail

- Add Power Sunroof (Std.Limited)
- Ded 2.0L Engine (Ex. SE)
- Ded W/out Air Conditioning
- Ded W/out Automatic Trans.
- Ded W/out Cruise Control
- Ded W/out Power Door Locks

Trade-in/Loan Retail

**2015 CHARGER-V8**

17925 19550 20900	Sedan 4D Police (V6)	DXA	31070	4039	Mileage Class: III				
20825 22500 23875	Sedan 4D SE (V6)	DXB	27995	3934	18825	23475			
20425 22100 23475	Sedan 4D SE (AWD, V6)	DXF	30995	4157	21500	26575			
	Sedan 4D SXT (V6)	DXH	29995	3966	21150	26150			
	Sedan 4D SXT (AWD, V6)	DXJ	32995	4188					
	Sedan 4D Police	DXA	33300	4271					
23625 25350 26775	Sedan 4D Police (AWD)	DXK	35800	N/A					
	Sedan 4D R/T	DXC	32995	4264	24100	29575			
	Sedan 4D R/T Road & Track	DXC	35995	4264					
	Sedan 4D R/T Scat Pack	DXG	39995	4400					
	Sedan 4D SRT 392	DXE	47385	4410					
	Sedan 4D SRT Hellcat	DXL	62295	4575					

- Add Rallye Pkg. (SXT)
- Add Technology Pkg.
- Add Alum/Alloy Wheels (Police)
- Add Beats Audio (Std. Rallye)
- Add Certified Pre-Owned

Trade-in/Loan Retail

- Add Harman Kardon Stereo (SRT)
- Add Leather Seats
- (Std. Road & Track, SRT)
- Add Navigation System
- Add Power Sunroof

Trade-in/Loan Retail

**2015 CHALLENGER-V8-6 Spd./AT**

18850 20500 21850	Coupe 2D SXT (V6)	DZA	26995	3834	19675	23775	Mileage Class: III		
21450 23150 24550	Coupe 2D SXT Plus (V6)	DZB	29995	3834	22100	26575			
23800 25550 26975	Coupe 2D R/T	DZA	31495	4082	24300	29075			
25775 27550 29000	Coupe 2D R/T Plus	DZB	34495	4082	26100	31175			
32675 34525 36050	Coupe 2D R/T Scat Pack	DZF	38495	N/A	32450	38400			
	Coupe 2D SRT	DZD	46395	4240					
	Coupe 2D SRT Hellcat	DZC	59995	4449					

Trade-in/Loan Retail

Trade-in/Loan Retail

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<u>Rough Trade-In</u>	<u>Average Trade-In</u>	<u>Clean Trade-In</u>	<u>Body Type</u>	<u>Model Number</u>	<u>MSRP</u>	<u>Weight</u>	<u>Clean Loan</u>	<u>Clean Retail</u>
<b>Add Technology Pkg.</b>				<b>Add Leather (Std. R/T Plus, SRT)</b>				
<b>Add Alpine Stereo System (Std. Plus, Scat Pack)</b>				<b>Add Navigation System</b>				
<b>Add Certified Pre-Owned</b>				<b>Add Power Sunroof</b>				
<b>Add Shaker Hood Scoop</b>								
<b>2015 DART-4 Cyl.</b>				<b>Mileage Class: I</b>				
<b>9050</b>	<b>10125</b>	<b>10975</b>	Sedan 4D SE	DFA	16495	3186	<b>9900</b>	<b>13400</b>
<b>10100</b>	<b>11200</b>	<b>12075</b>	Sedan 4D Aero	DFD	19995	3186	<b>10875</b>	<b>14575</b>
<b>10575</b>	<b>11675</b>	<b>12575</b>	Sedan 4D SXT	DFB	18595	3186	<b>11325</b>	<b>15100</b>
<b>10650</b>	<b>11775</b>	<b>12675</b>	Sedan 4D Rallye	DFB	18990	3186	<b>11425</b>	<b>15200</b>
<b>12700</b>	<b>13850</b>	<b>14775</b>	Sedan 4D Limited	DFC	22995	3242	<b>13300</b>	<b>17375</b>
<b>12525</b>	<b>13675</b>	<b>14600</b>	Sedan 4D GT	DFE	20995	3186	<b>13150</b>	<b>17200</b>
			<u>Trade-in/Loan</u>	<u>Retail</u>				
<b>Add Alpine Stereo System</b>			<b>300</b>	<b>350</b>	<b>Add Power Sunroof (Std. Limited)</b>			<b>575 650</b>
<b>Add Aluminum/Alloy Wheels (Std. SXT, Rallye, Limited, GT)</b>			<b>350</b>	<b>400</b>	<b>Ded 2.0L Engine (Ex. SE)</b>			<b>250 250</b>
<b>Add Certified Pre-Owned</b>				<b>800</b>	<b>Ded W/out Air Conditioning</b>			<b>750 750</b>
<b>Add Navigation System (Std. Ltd)</b>			<b>575</b>	<b>650</b>	<b>Ded W/out Automatic Trans.</b>			<b>675 675</b>
<b>Add Power Seat (Std. Limited, GT)</b>			<b>275</b>	<b>325</b>	<b>Ded W/out Cruise Control</b>			<b>200 200</b>
					<b>Ded W/out Power Door Locks</b>			<b>175 175</b>
<b>2015 CHARGER-V8</b>				<b>Mileage Class: III</b>				
<b>14700</b>	<b>16250</b>	<b>17525</b>	Sedan 4D Police (V6)	DXA	31070	4039	<b>15775</b>	<b>19950</b>
<b>16150</b>	<b>17725</b>	<b>19025</b>	Sedan 4D SE (V6)	DXB	27995	3934	<b>17125</b>	<b>21525</b>
<b>19200</b>	<b>20850</b>	<b>22200</b>	Sedan 4D SE (AWD, V6)	DXF	30995	4157	<b>20000</b>	<b>24850</b>
<b>16625</b>	<b>18225</b>	<b>19550</b>	Sedan 4D SXT (V6)	DXH	29995	3966	<b>17600</b>	<b>22075</b>
<b>22950</b>	<b>24675</b>	<b>26100</b>	Sedan 4D SXT (AWD, V6)	DXJ	32995	4188	<b>23500</b>	<b>28875</b>
<b>20025</b>	<b>21700</b>	<b>23075</b>	Sedan 4D Police	DXA	33300	4271	<b>20775</b>	<b>25750</b>
<b>21200</b>	<b>22900</b>	<b>24300</b>	Sedan 4D Police (AWD)	DXK	35800	N/A	<b>21875</b>	<b>27025</b>
<b>22225</b>	<b>23925</b>	<b>25325</b>	Sedan 4D R/T	DXC	32995	4264	<b>22800</b>	<b>28075</b>
<b>25025</b>	<b>26775</b>	<b>28225</b>	Sedan 4D R/T Road & Track	DXC	35995	4264	<b>25425</b>	<b>31075</b>
<b>32725</b>	<b>34575</b>	<b>36100</b>	Sedan 4D R/T Scat Pack	DXG	39995	4400	<b>32500</b>	<b>39150</b>
<b>40025</b>	<b>41950</b>	<b>43525</b>	Sedan 4D SRT 392	DXE	47385	4410	<b>39175</b>	<b>46750</b>
<b>57925</b>	<b>60000</b>	<b>61700</b>	Sedan 4D SRT Hellcat	DXL	62295	4575	<b>55550</b>	<b>66225</b>
			<u>Trade-in/Loan</u>	<u>Retail</u>				
<b>Add Rallye Pkg. (SXT)</b>			<b>1600</b>	<b>1800</b>	<b>Add Harman Kardon Stereo (SRT)</b>			<b>900 1000</b>
<b>Add Technology Pkg.</b>			<b>1500</b>	<b>1675</b>	<b>Add Leather Seats</b>			<b>675 750</b>
<b>Add Alum/Alloy Wheels (Police)</b>			<b>450</b>	<b>500</b>	<b>(Std. Road &amp; Track, SRT)</b>			
<b>Add Beats Audio (Std. Rallye)</b>			<b>425</b>	<b>475</b>	<b>Add Navigation System</b>			<b>725 825</b>
<b>Add Certified Pre-Owned</b>			<b>1450</b>		<b>Add Power Sunroof</b>			<b>675 750</b>
<b>2015 CHALLENGER-V8-6 Spd./AT</b>				<b>Mileage Class: III</b>				
<b>17575</b>	<b>19200</b>	<b>20525</b>	Coupe 2D SXT (V6)	DZA	26995	3834	<b>18475</b>	<b>22200</b>
<b>20725</b>	<b>22400</b>	<b>23775</b>	Coupe 2D SXT Plus (V6)	DZB	29995	3834	<b>21400</b>	<b>25575</b>
<b>22375</b>	<b>24100</b>	<b>25500</b>	Coupe 2D R/T	DZA	31495	4082	<b>22950</b>	<b>27350</b>
<b>25450</b>	<b>27200</b>	<b>28650</b>	Coupe 2D R/T Plus	DZB	34495	4082	<b>25800</b>	<b>30600</b>
<b>30950</b>	<b>32800</b>	<b>34300</b>	Coupe 2D R/T Scat Pack	DZF	38495	N/A	<b>30875</b>	<b>36625</b>
<b>36000</b>	<b>37900</b>	<b>39450</b>	Coupe 2D SRT 392	DZD	46395	4240	<b>35525</b>	<b>43575</b>
<b>54625</b>	<b>56650</b>	<b>58325</b>	Coupe 2D SRT Hellcat	DZC	59995	4449	<b>52500</b>	<b>62800</b>
			<u>Trade-in/Loan</u>	<u>Retail</u>				
<b>Add Super Track Pkg. (Ex. SRT)</b>			<b>500</b>	<b>575</b>	<b>Add Leather (Std. Plus, SRT)</b>			<b>675 750</b>
<b>Add Technology Pkg.</b>			<b>250</b>	<b>300</b>	<b>Add Navigation System</b>			<b>725 825</b>
<b>Add Alpine Stereo (Std. Plus)</b>			<b>425</b>	<b>475</b>	<b>Add Power Sunroof</b>			<b>675 750</b>
<b>Add Certified Pre-Owned</b>				<b>1575</b>	<b>Add Shaker Hood Scoop</b>			<b>3250 3625</b>
<b>Add Harman Kardon (Std. SRT)</b>			<b>950</b>	<b>1075</b>				
<b>2014 DART-4 Cyl.</b>				<b>Mileage Class: I</b>				
<b>7550</b>	<b>8575</b>	<b>9400</b>	Sedan 4D SE	DFA	15995	3186	<b>8475</b>	<b>11725</b>
<b>8375</b>	<b>9425</b>	<b>10275</b>	Sedan 4D Aero	DFD	19995	3191	<b>9250</b>	<b>12650</b>
<b>9225</b>	<b>10300</b>	<b>11175</b>	Sedan 4D SXT	DFB	18495	3297	<b>10075</b>	<b>13600</b>
<b>9575</b>	<b>10650</b>	<b>11525</b>	Sedan 4D Rallye	DFB	18990	3297	<b>10375</b>	<b>13975</b>
<b>11150</b>	<b>12275</b>	<b>13175</b>	Sedan 4D Limited	DFC	22995	3348	<b>11875</b>	<b>15725</b>
<b>11075</b>	<b>12200</b>	<b>13100</b>	Sedan 4D GT	DFE	20995	3297	<b>11800</b>	<b>15650</b>
			<u>Trade-in/Loan</u>	<u>Retail</u>				

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FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE	:	CHAPTER 13
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ANDOIN RODQUEZS ROUSE	:	CASE NO. 16-56653-MGD
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Debtor.	:	
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Movant,	:	
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v.	:	CONTESTED MATTER
	:	
ANDOIN RODQUEZS ROUSE,	:	
Debtor;	:	
and MARY IDA TOWNSON, Trustee,	:	
	:	
Respondents.	:	

**CERTIFICATE OF SERVICE**

The undersigned, Philip L. Rubin, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served a copy of the OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN on the following by depositing same in the United States Mail in properly addressed envelopes with adequate postage to:

Andoin Rodquezs Rouse  
1049 Deckner Avenue  
Atlanta, GA 30310

Carson R. Walden  
Suite 757  
315 W. Ponce de Leon Avenue  
Decatur, GA 30033

Mary Ida Townson  
Chapter 13 Trustee  
191 Peachtree Street NE  
Suite 2200  
Atlanta, GA 30303

This May 10, 2016.

The Law Office of  
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Attorneys for Movant

By: /s/Philip L. Rubin  
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